



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NEW YORK 10007-1866

OVERNIGHT MAIL

T D DEVELOPMENT INC  
c/o 725 BANKSTREET DEVELOPMENT INC.  
6580 Shiloh Road  
Goshen, OH 45122  
Attn: John Ziggas III

JUL 26 2016

Re: Beech-Nut Nutrition Site, Canajoharie, Montgomery County, New York: Consent to Access of Property in Order to Conduct Removal Action

Dear Mr. Ziggas:

It has come to the attention of the Environmental Protection Agency ("EPA") that the company you are affiliated with, 725 Bankstreet Development, Inc., procured ownership of a certain corporation, TD Development, Inc. Said corporation is the subject of an ongoing investigation as a potentially responsible party ("PRP") under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA") § 9607(a)(3) as the owner of the facility known as Beech-Nut Nutrition (hereinafter referred to as the "Site").

More imperatively, however, is the need for EPA's access to the property in order to conduct removal activities to address the release, and/or threat of release, of hazardous substances at the Site. As the probable current owner of the Site, EPA requests that a person authorized to act on behalf of the above named corporation voluntarily provide access to said Site. Enclosed is a copy of a Consent for Access to Property revocable license, which your company may revoke at any time. As the current owner, it is paramount that you sign this form in order for EPA to conduct the requisite removal activities at the Site. However, if you have information demonstrating that you are not the current owner of the Beech-Nut property, please forward same to the attention of the undersigned.

Through cooperating with EPA in this matter, you will aid in safeguarding the Canajoharie community from further exposure to hazardous substances. Again please respond in order to enable EPA to effectively respond to the current threat to the environment and human health. Should you have any questions, please do not hesitate to either directly, or through representation, contact the undersigned via email ([Sainsbury.walter@epa.gov](mailto:Sainsbury.walter@epa.gov)) or via telephone (212-637-3177).

Regards,

Walter S. M. Sainsbury, Esq.  
Assistant Regional Counsel  
Office of Regional Counsel  
New York/Caribbean Superfund Branch  
Enclosure

## CONSENT FOR ACCESS TO PROPERTY

Property Owner(s): \_\_\_\_\_

Address of Property: Tax Parcel number 63.14-1-9.1 located at 68-102 Church Street,  
Canajoharie, New York

I \_\_\_\_\_, am a fully authorized representative of 725 Bankstreet Development, Inc., the sole shareholder of TD Development, Inc., which owns the property listed above. I understand that the United States Environmental Protection Agency ("EPA") is conducting a response action on the property, pursuant to its response and enforcement responsibilities under the Superfund law, also known as the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675.

I hereby consent to allow officers, employees and authorized representatives of EPA to enter and have access to the property in order to perform cleanup activities including but not limited to, the following tasks: 1) visual inspection; 2) subslab investigation; 3) indoor/outdoor air monitoring; 3) assessment and inventorying of hazardous substances and any containers; 4) assessment of the structure; 5) removal of hazardous/radiological substances whether contained or not; 6) sampling or taking of any substances stored or disposed of on the property; 7) clearing weeds and undergrowth as necessary to adequately view the property and to provide access to the site for physical accessibility for inspections of materials; 8) securing the property against unauthorized access; 9) covering and securing any hazardous substances on the property so as to ensure no further release; 10) photographic documentation; and 11) any other actions EPA deems necessary to complete removal of hazardous/radiological substances. I understand that such representatives may include contractors and/or subcontractors hired by EPA, other Federal and state agencies, and their agents. I also understand and agree that the above-mentioned representatives may enter upon the property at all reasonable times.

I further consent to EPA releasing to the public all analytical results of any samples that EPA and its representatives collect or have collected on the property, as identified by the above address.

I recognize that performance of such actions may require some disturbance to the property and EPA will minimize any disturbance as much as possible. Areas of disturbance will be restored to prior conditions by EPA.

I understand that EPA requires its contractors to maintain comprehensive vehicle liability insurance and comprehensive general liability insurance for bodily injury, death and loss or damage to property, arising from the activities of its contractors.

This written permission is given by me voluntarily and without any promises or assurances, sought or given, by the US EPA. It is also given with the full understanding that I may revoke access at any time, with or without cause, and without any prior notification. I understand that should I exercise my right and revoke access, the US EPA may seek access through other due-process authorities granted it, including but not limited to an administrative or judicial order. By my signature, I also acknowledge that I am fully authorized to grant such access.

By:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Main Contact Telephone Number